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March 19, 2009
MCA-MDT Technical Committee Meeting Minutes

Kevin Christensen opened the meeting with introductions. An attendance sheet was passed for signature. Members at remote sites were signed in by MDT.

NEW BUSINESS ISSUES

1. Open Cut Mining Permits. MDT announced they would assist DEQ with the permitting process due to the additional ARRA project workload. The first ARRA projects will be let in late March. MCA questioned if ARRA projects will take priority over the normal program. DEQ stated they expect the program to carry on as normal with the help of MDT. DEQ may prioritize projects with a short timeline as in the past (both ARRA and Regular).

2. New Specification Revisions. The CAS Bureau is proposing to convert about 20 standard special provisions into supplemental specifications in the next couple of months. This will allow standard contract requirements to be incorporated into the next version of the Standard Specifications, currently scheduled for January 2010. These provisions were initiated as special provisions because they were being routinely evaluated and refined. They are now static, and are ready to be incorporated into supplemental specifications.

Current Specifications out for Comment

106.02.3(A)	Borrow Source Approval (Soil Classification and Resistance Value)
106.09	Domestic Materials (Materials Bureau Form 406)
107.11.3	Air Quality (Dust Control)
107.11.5,	Noxious Weed Management
107.11.6	Noxious Weed Control
109.02.1	Pay Unit Rounding
109.06.1	Billing Cycle
109.11	Fuel Price Adjustment
608	Concrete Sidewalks (Detectable Warning Devices)
704.01.10	Retro-Reflective Sheeting

Standard Special Provision

550-X	Structure Tolerances
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106.02.3 (A) Borrow Source Approval. MCA questioned if the department could approve potential pits before the letting or accept testing performed by independent labs. MCA stated they could save substantial contract time. MDT stated that they do not have the manpower to pre-approve pits and currently do not provide source testing before contract award. MDT will consider the possibility of conducting testing for the read low bidder's site after letting and prior to award. MDT will look at accepting testing from independent labs but has concerns about sample locations and whether the material tested is representative. MCA asked if MDT would conduct Micro-Deval or sulfate testing on previously approved pits.

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MCA questioned the status of department optioned sources. MDT stated they are moving forward with the trial projects but are having difficulties with landowner agreements.

106.09 Domestic Materials. MCA questioned if MDT would consider receiving material certifications directly from the suppliers or MDT representatives. MDT agreed to further evaluate.

107.11.3 Air Quality (Dust Control) & 107.11.5 Noxious Weed Management. MCA stated that the two specifications have wording that control contractor operations but requires the Contractor to be responsible if specifications are not met. MDT stated that they did not agree that the specs controlled operations, but will clarify the language in the Noxious Weed control specification that references "Force Account".

608 Sidewalks. MCA questioned why detectible warning devices need to be a red brick color. MDT stated that they will re-evaluate that requirement and reminded MCA that detectible warning devices must be on the QPL to be used.

550-X Structure Tolerances. MCA stated that MDT should provide examples and show cause for requiring the new tolerance specifications. MCA stated that MDT should provide actual statistics showing how the new tolerances will increase public safety considering the cost of imposing the new tolerances. MCA stated that some items, such as piling, have tolerances that are nearly impossible to meet in some instances. MDT replied that they are willing work with MCA to develop the tolerances. MCA was asked to provide specific examples of tolerances that they believe are unreasonable and suggest alternative values.

3. ARRA Reporting Requirements. MDT announced that there is mandatory reporting forms with ARRA funded projects. A standard special provision has been added to ARRA contracts that requires submission of the proper forms on a monthly basis. The *draft* form was distributed and discussed.

4. ARRA Funding. MDT announced that the first ARRA project will be let in the March 26, 2009 letting. MDT's goal is to obligate at least 75% of the funding by September 2009. MDT will be applying for extra funds that are redistributed if other states cannot deliver.

5. ARRA Signing. MDT announced that special signing will be required informing the public of ARRA projects. A standard special provision will be included in all ARRA projects, and will need to be change ordered into the first couple of projects that have been advertised.

OLD BUSINESS

1. Fuel Price Adjustment. The number of items eligible for price adjustment in the new specification was questioned. MDT is considering having 10 items as the minimum. MCA

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asked why no adjustment would be allowed for stockpiled material. Generally stockpiled materials are paid earlier in the project before prices have fluctuated too much. It is also a problem for this type of payment in SiteManager.

2. Bid Documentation. MCA is unsure of their proposed bill's chances in the legislature. Regardless of their bill MCA stated they would like MDT to reconsider submission of bid documents and reevaluate the type of information that is requested. MCA requested the documentation be held in escrow by a third party escrow service. A Contractor may not label all documents as trade secrets and asked for guidance on what can be labeled as a trade secret.

AD-HOC ITEMS

1. Glass Beads. MCA requested that MDT split out type I and type II beads on the QPL list. MDT agreed to review the QPL.

2. Traffic Control. MCA commented that out of state traffic control contractors are not bidding plans with lump sum traffic control and an initial traffic control plan according to the specifications and detailed drawings and requested that MDT make it clearer in the traffic control plan what is required.

MCA stated they are not always getting a daily accounting of the traffic control paid. MDT stated that they will send guidance to the field crews to provide accounting in a timely manner.

3. Bi-Monthly Lettings. MCA asked how the twice a month lettings were working. It was about 50/50 for the Contractors whether they liked it or not. Since there was no consensus, MDT asked that MCA poll their members so the matter could be forwarded to the Executive meeting if necessary.

The next meeting will be Wednesday April 15, 2009, at 10:00 AM in the Commission room at MDT Headquarters in Helena.